



Federal Communications Commission
Washington, D.C. 20554

October 29, 2007

Via Facsimile and First Class Mail

Mr. J.G. Harrington
Counsel for Cox Communications, Inc.
Dow Lohnes PLLC
1200 New Hampshire Ave., N.W., Suite 800
Washington, DC 20036-6802

Dear Mr. Harrington:

This letter relates to a pending forbearance proceeding initiated by the Verizon Telephone Companies (Verizon). Specifically, on September 6, 2006, Verizon filed six separate petitions pursuant to section 10 of the Communications Act of 1934, as amended (Act),¹ requesting that the Commission forbear from applying to Verizon certain obligations in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas (MSAs).²

In light of the Commission's precedent in similar forbearance proceedings,³ please submit the following information to the record in this proceeding.⁴ First, for each wire center service area or consistent geographic sub-area in the aforementioned MSAs where Cox offers telecommunications services, provide an estimate of the percentage of all end-user locations where Cox would be willing and able, within a commercially reasonable time, to provide over its own network the full range of services that are substitutes for Verizon's local service offerings.⁵ Second, for each wire center service area or consistent geographic sub-area in the aforementioned MSAs where Cox offers telecommunications

¹ 47 U.S.C. § 160 *et seq.*

² See *Pleading Cycle Established for Comments on Verizon's Petitions for Forbearance in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, Public Notice, 21 FCC Rcd 10174 (2006) (*Initial Pleading Cycle Public Notice*) (subsequent history extending the pleading cycle omitted); see also, e.g., *Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston Metropolitan Statistical Area*, WC Docket No. 06-172 (filed Sept. 6, 2006) (Verizon Boston Petition).

³ *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, WC Docket No. 04-223, Memorandum Opinion and Order, 20 FCC Rcd 19415 (2005) (*Qwest Omaha Forbearance Order*), *aff'd*, *Qwest Corp. v. FCC*, 482 F.3d 471 (D.C. Cir. 2007); *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area*, WC Docket No. 05-281, Memorandum Opinion and Order, 22 FCC Rcd 1958 (2007) (*ACS UNE Forbearance Order*), *appeals dismissed*, *Covad Communications Group, Inc. v. FCC*, Nos. 0770898, 07-71076, 07-71222 (9th Cir. 2007) (dismissing appeals for lack of standing).

⁴ 47 C.F.R. § 0.291(f).

⁵ See *Qwest Omaha Forbearance Order*, 20 FCC Rcd at 19444, para. 60 n.156 (defining coverage); see also *id.* at 19444, para. 59 n.155 (relying on data submitted by Cox disclosing the Qwest wire centers where Cox is able to provide over its own network, other than in certain Multiple Tenant Environments, services that are substitutes for the incumbent LEC's local service offerings to 100%, 75-95%, 40-60%, and 10-30% of all end-user telecommunications customers); *ACS UNE Order*, 22 FCC Rcd at 1979-80, para. 35 (relying on coverage data provided by GCI).


services, provide, separately for residential and business customers, Cox's end-user access line counts by capacity (e.g., DS0, DS1, DS3, OCn).⁶ Please indicate the proportion of these end-user access lines that are Cox's own last-mile facilities.

To the extent such data are confidential or competitively sensitive, you may file your response to this request under the terms of either or both of the protective orders that have been issued in this proceeding to the extent applicable.⁷ In order to give all interested parties sufficient time to analyze and comment on whether the relevant data demonstrate that the forbearance criteria of section 10 of the Act are satisfied, please file a complete response to this request by **November 5, 2007**.

Your response should be filed with Marlene H. Dortch, Secretary, Federal Communications Commission, in WC Docket No. 06-172. The Wireline Competition Bureau also should receive, at a minimum, two copies of all filings.⁸

If you have any questions regarding this matter, please contact Marcus Maher at (202) 418-2339.

Sincerely,



Dana R. Shaffer
Chief
Wireline Competition Bureau

⁶ See, e.g., *Qwest Omaha Forbearance Order*, 20 FCC Rcd at 19450-51, para. 69 (analyzing the state of competition by relying on data submitted by Cox disclosing the number of residential access lines, DS0 loops to business customers, DS1 loops, DS3 loops and OCn loops Cox provisions in certain wire center service areas); *ACS UNE Forbearance Order*, 22 FCC Rcd at 1975-77, paras. 28-30 (analyzing the state of competition by relying on data submitted by GCI disclosing for each ACS wire center the number of residential and business lines GCI provisioned over its own voice-enabled cable plant, fiber facilities, DS1 UNEs, DS0 UNEs, resold DS1s, and resold DS0s).

⁷ *Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, Protective Order, 21 FCC Rcd 10177 (WCB 2006) (*First Protective Order*); *Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, Order, 22 FCC Rcd 892 (WCB 2007) (*Second Protective Order*).

⁸ See *Initial Pleading Cycle Public Notice*, *supra* note 1 (setting forth filing instructions). Data or spreadsheets should be submitted in Microsoft Excel files in a computer-readable compact disk format. Each spreadsheet should contain or be accompanied by instructions sufficient to describe the spreadsheet's organization and contents. Each request for data is limited to data as of December 31, 2006, or the most recent data available.